

1 Corey M. Kane
2 Lacy Kane, P.S.
3 300 Eastmont Avenue
4 East Wenatchee, WA 98802
Phone: (509) 884-9541
Fax: (509) 884-4805

5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF WASHINGTON
8 AT SPOKANE

9 KATHY ALLSTOT,

10 Plaintiff,

11 v.

12 CONFLUENCE HEALTH, a
13 Washington non-profit corporation, and
14 CENTRAL WASHINGTON HEALTH
15 SERVICES ASSOCIATION, a
16 Washington Public Benefit Corporation,
d/b/a CENTRAL WASHINGTON
17 HOSPITAL, and TOM CHRISTENSEN,
18 individually,

19 Defendants.

20
21 No.

22 COMPLAINT

23 COMES NOW the Plaintiff, Kathy Allstot (Allstot), by and through her
attorneys of record, who alleges and states:

24 I. PARTIES

25 1.1 Allstot was and is, at all times material hereto, a resident of East
26 Wenatchee, Douglas County, Washington.

1 1.2 Defendant Confluence Health (Confluence) is a Washington corporation.
2
3 Confluence's principal place of business is located in Wenatchee, Chelan County,
4 Washington.

5 1.3 Defendant Central Washington Health Services Association (Central) is
6 a Washington Public Benefit Corporation d/b/a Central Washington Hospital.
7
8 Central's principal place of business is located in Wenatchee, Chelan County,
9 Washington. Confluence is an affiliation of Central.

10 1.4 Defendant Tom Christensen (Christensen) works for and is Director of
11 Talent Engagement at Confluence Health. All of his acts or omissions causing him
12 to be personally liable to Allstot, for the claims asserted herein, occurred in
13 Wenatchee, Chelan County, Washington. At all material times Christensen resided
14 in Wenatchee, Chelan County, Washington.

18 **II. JURISDICTION AND VENUE**

19 2.1 The incidents complained of occurred in Wenatchee, Chelan County,
20 Washington.

22 2.2 Jurisdiction and Venue are proper.

23 **III. FACTS**

25 3.1 Allstot was employed by Central.

26 3.2 Central employs more than 50 employees.

28 3.3 During the time Allstot was employed by Central, she had a serious

LACY KANE, P.S.
300 Eastmont Avenue
East Wenatchee, WA 98802
(509) 884-9541 ♦ Fax: (509) 884-4805

1 medical condition that affected her ability to perform her job duties without
2 reasonable accommodations.
3

4 3.4 While working at Confluence, Allstot was required to take permitted
5 medical leave, including but not limited to FMLA leave, as a result of her serious
6 medical conditions.
7

8 3.5 Allstot was eligible to take FMLA leave as she worked for Central for
9 at least 12 months, and worked at least 1,250 hours over the preceding 12 months,
10 prior to taking FMLA leave.
11

12 3.6 Central disciplined and terminated Allstot due to her disability.
13

14 3.7 Central disciplined and terminated Allstot for absences and performance
15 issues that were direct results of her serious medical condition interfering with her
16 ability to perform her job duties without reasonable accommodations.
17

18 **IV. FIRST CAUSE OF ACTION**
19 **VIOLATION OF THE FAMILY MEDICAL LEAVE ACT (FMLA)**
20 **(29 U.S.C. § 2601 et seq.)**

21 4.1 Allstot restates and realleges all prior paragraphs.
22

23 4.2 Confluence has interfered with, restrained, or retaliated against Allstot's
24 exercise of her rights under the FMLA, in violation of 29 U.S.C. § 2615, including
25 but not limited to the actions of Christensen.
26

27 4.3 As a proximate result of the Defendants' violations of the FMLA, Allstot
28 suffered damages in the amount to be proven at trial.

LACY KANE, P.S.
300 Eastmont Avenue
East Wenatchee, WA 98802
(509) 884-9541 ♦ Fax: (509) 884-4805

1 **V. SECOND CAUSE OF ACTION**
2 **DISABILITY DISCRIMINATION (49.60)**

3 5.1 Allstot restates and realleges all prior paragraphs.

4
5 5.2 The conduct of Central, through the actions of Christensen and others,
6 gives rise to a claim for disability discrimination, including, but not limited to,
7 disparate treatment, retaliation, and unlawful and wrongful discharge.
8

9 5.3 The Defendant failed to accommodate Allstot's physical limitations.

10 5.4 The Defendant treated Allstot differently than other employees due to
11 her physical limitations.
12

13 5.5 Allstot's disability was a substantial factor in her termination.

14 5.6 As a proximate result of the Defendant's conduct, Allstot suffered
15 damages in amount to be proven at trial.
16

17 **VI. THIRD CAUSE OF ACTION**
18 **WRONGFUL DISCHARGE IN VIOLATION**
19 **OF PUBLIC POLICY**

20 6.1 Allstot restates and realleges all prior paragraphs.

21 6.2 It is the public policy of the State of Washington that an employee shall
22 not be discharged, discriminated, or retaliated against for taking leave due to a serious
23 health condition.
24

25 6.3 It is the public policy of the state of Washington that an employee shall
26 not be discharged, discriminated, or retaliated against, due to a disability.
27

6.4 The Defendant violated these public policies.

6.5 As a proximate result of Allstot's wrongful discharge in violation of public policy, Allstot suffered damages in an amount to be proven at trial.

VII. DAMAGES AND PRAYER FOR RELIEF

Allstot requests relief as follows:

- A. For past and future lost wages and benefits in an amount to be proven at trial;
- B. For all other past and future special and general damages in an amount to be proven at trial;
- C. For reasonable attorneys fees and costs of this action;
- D. Prejudgment Interest; and
- E. For such other and further relief as the Court may deem appropriate.

WHEREFORE, Plaintiff Allstot prays for damages as mentioned above, together with liquidated damages, pursuant to 29 U.S.C. § 2617, reinstatement of employment pursuant to 29 U.S.C. § 2617 or other equitable relief, and reasonable attorney's fees pursuant to 29 U.S.C. § 2617 and RCW 49.

DATED this 20 day of May, 2016.

LACY KANE, P.S.

By COREY M. KANE, WSBA #49710
Attorneys for Plaintiff

1 **CERTIFICATION BY PLAINTIFF**

2 I am the Plaintiff in the above-captioned matter; I have read the within and
3 foregoing Complaint, know the contents thereof, and believe the same to be true.

4
5 
6 KATHY ALLSTOT
7